IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE PIUS C.KURIAKOSE

THURSDAY, THE 24TH MAY 2007 / 3RD JYAISHTA 1929

WP(C).No. 22672 of 2004(Y)

OS.1488/2003 of I ADDL.M.C.,ERNAKULAM
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PETITIONERS:
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1. M/S. MUTHOOT BANKERS,
MUTHOOT TOWERS, M.G.ROAD, ERNAKULAM,
REPRESENTED BY ITS MANAGING PARTNER,
THOMAS GEORGE MUTHOOT.

2. THE BRANCH MANAGER,
M/S. MUTHOOT BANKERS, PERUMBAVOOR BRANCH,
PERUMBAVOOR.

BY ADV. SRI.K.P.DANDAPANI

RESPONDENTS:

THANKAPPAN PILLAI P.K.,
S/O. PARAMESWARAN PILLAI, AGED 73 YEARS,
MANU BHAVANAM, KOOVAPPADY P.O., PERUMBAVOOR,
ERNAKULAM DISTRICT.

BY ADV. SRI.M.M.ALIAS

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 24/05/2007,THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

WPC : 22672/2004

APPENDIX

PETITIONERS' EXHIBITS:

EXT.P1 : TRUE COPY OF THE SUMMONS RECEIVED BY THE PETITIONER FROM FIRST ADDITIONAL MUNSIFF'S COURT, ERNAKULAM.

EXT.P2 : TRUE COPY OF THE ORDER(FROM A DIARY) DT.23.7.04 IN IA NO.4739 OF 2004 IN OS NO.1488 OF 2003 ON THE FILES OF FIRST ADDITIONAL MUNSIFF'S COURT, ERNAKULAM.

EXT.P3 : TRUE COPY OF THE ORDER (FROM A DIARY) DT.23.7.04 IN OS NO.1488 OF 2003 ON THE FILES OF FIRSTADDITIONAL MUNSIFF'S COURT, ERNAKULAM.

PIUS C. KURIAKOSE, J.

W.P.(C) No. 22672 OF 2004

Dated this the 24th day of May, 2007

JUDGMENT

By Ext.P2 the learned Munsiff rejected the written statement which had been filed by the petitioners who were defendants in OS No.1488 of 2003 on the reason that the same has been filed after 90 days of receiving summons. The issue as rightly submitted by the counsel for the petitioner is covered by judgment of the Supreme Court in **Rani Kusum v. Kanchan Devi** (2005(6) SCC 705). The Writ Petition is therefore allowed setting aside Ext.P2 and directing the learned Munsiff to receive the written statements filed by the petitioners and to dispose of the suit in accordance with law.

PIUS C. KURIAKOSE, JUDGE

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